

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**SHADY FAGHIH**

Applicant for Registered Nurse License

Respondent

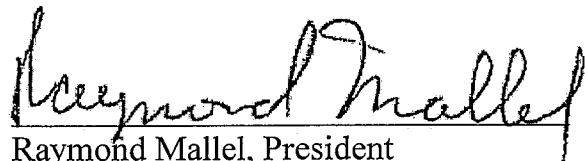
Case No. 2012 – 660

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **October 18, 2012**.

IT IS SO ORDERED **September 18, 2012**.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

Case No. 2012-660

**SHADY FAGHIH**  
7121 Rosebay Street  
Long Beach, CA 90808  
Registered Nurse License

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on \_\_\_\_\_.

It is so ORDERED \_\_\_\_\_.

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
13 Against:

14 **SHADY FAGHIH**  
7121 Rosebay Street  
15 Long Beach, CA 90808  
16 Registered Nurse License

17 Respondent.

Case No. 2012-660

18 **STIPULATED SETTLEMENT AND**  
19 **DISCIPLINARY ORDER**

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
25 Board of Registered Nursing. She brought this action solely in her official capacity and is  
26 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
27 Langston M. Edwards, Deputy Attorney General.

28 2. Respondent Shady Faghieh (Respondent) is representing herself in this proceeding and  
has chosen not to exercise her right to be represented by counsel.

3. On or about June 15, 2011, Respondent filed an application dated May 15, 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.

## JURISDICTION

4. Statement of Issues No. 2012-660 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on April 26, 2012. A copy of Statement of Issues No. 2012-660 is attached as **Exhibit A** and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2012-660. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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**CULPABILITY**

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2012-660.

9. Respondent agrees that her Registered Nurse License is subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

**CONTINGENCY**

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED:**

The application of Respondent Shady Faghieh for licensure is hereby granted and a license shall be issued to Respondent upon successful completion of all licensing requirements. Said license shall immediately be revoked, the order of revocation stayed and Respondent placed on probation for a period of three (3) years on the following conditions:

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance

1 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
2 more than 15 days of any address change and shall at all times maintain an active, current license  
3 status with the Board, including during any period of suspension.

4 Upon successful completion of probation, Respondent's license shall be fully restored.

5 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
6 person at interviews/meetings as directed by the Board or its designated representatives.

7 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
8 practice as a registered nurse outside of California shall not apply toward a reduction of this  
9 probation time period. Respondent's probation is tolled, if and when she resides outside of  
10 California. Respondent must provide written notice to the Board within 15 days of any change of  
11 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
12 returning to practice in this state.

13 Respondent shall provide a list of all states and territories where she has ever been licensed  
14 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
15 information regarding the status of each license and any changes in such license status during the  
16 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
17 license during the term of probation.

18 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit  
19 or cause to be submitted such written reports/declarations and verification of actions under  
20 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
21 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
22 Respondent shall immediately execute all release of information forms as may be required by the  
23 Board or its representatives.

24 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
25 state and territory in which she has a registered nurse license.

26 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
27 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
28 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

**7. Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

**8. Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in  
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care  
12 setting, the individual providing supervision and/or collaboration shall have person-to-person  
13 communication with Respondent as required by the Board each work day. Respondent shall  
14 maintain telephone or other telecommunication contact with the individual providing supervision  
15 and/or collaboration as required by the Board during each work day. The individual providing  
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
19 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
22 registered nursing supervision and other protections for home visits have been approved by the  
23 Board. Respondent shall not work in any other registered nursing occupation where home visits  
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
27 and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing or as an

instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

12. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall

become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

13. **Mental Health Examination.** Respondent shall, within 45 days of the effective date of this Decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by Respondent.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts

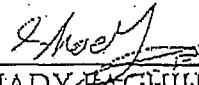
1 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
2 Only one such waiver or extension may be permitted.

3 14. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
4 an on-going counseling program until such time as the Board releases her from this requirement  
5 and only upon the recommendation of the counselor. Written progress reports from the counselor  
6 will be required at various intervals.

7  
8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
10 stipulation and the effect it will have on my Registered Nurse License. I enter into this  
11 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
12 to be bound by the Decision and Order of the Board of Registered Nursing.

13 DATED: 06/19/2012

  
14 SHADY FAGHINI  
Respondent

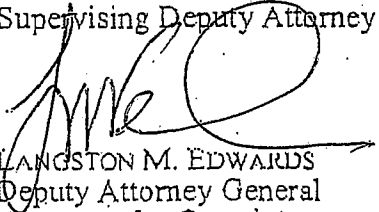
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16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
18 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
19 Affairs.

20 Dated:

Respectfully submitted,

21  
22 KAMALA D. HARRIS  
Attorney General of California  
23 GLORIA A. BARRIOS  
Supervising Deputy Attorney General

24  
25   
26 LANGSTON M. EDWARDS  
Deputy Attorney General  
27 Attorneys for Complainant  
28

## **Exhibit A**

**Statement of Issues No. 2012-660**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
Deputy Attorney General  
4 State Bar No. 237926  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-6343  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

12 **SHADY FAGHIH**  
13 **Applicant**

14 Respondent.

Case No. *2012- Celeo*

**STATEMENT OF ISSUES**

15  
16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about June 15, 2011, the Board of Registered Nursing, Department of  
23 Consumer Affairs received an application for a Registered Nurse License from Shady Faghieh  
24 (Respondent). On or about May 15, 2011, Shady Faghieh certified under penalty of perjury to the  
25 truthfulness of all statements, answers, and representations in the application. The Board denied  
26 the application on September 22, 2011.

27 //

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## JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate

1 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
2 Section 482."

3 5. Section 493 of the Code states:

4 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
5 the department pursuant to law to deny an application for a license or to suspend or revoke a  
6 license or otherwise take disciplinary action against a person who holds a license, upon the  
7 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
9 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
10 and the board may inquire into the circumstances surrounding the commission of the crime in  
11 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
12 qualifications, functions, and duties of the licensee in question."

13 6. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an  
15 application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the following:

17 ...

18 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
19 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
20 conclusive evidence thereof."

## 21 REGULATORY PROVISIONS

22 7. California Code of Regulations, title 16, section 1444, states:

23 "conviction or act shall be considered to be substantially related to the qualifications,  
24 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
25 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
26 safety, or welfare. Such convictions or acts shall include but not be limited to the following:  
27 ...  
28

1 (c) Theft, dishonesty, fraud, or deceit.”

2  
3 FIRST CAUSE FOR DENIAL OF APPLICATION

4 (Conviction of A Substantially Related Crime)

5 8. Respondent's application is subject to denial under sections 480, subdivision (a)(1)  
6 and 2761, subdivision (f) in conjunction with Cal. Code of Regs. title 16, section 1444,  
7 subdivision (c) in that Respondent was convicted of a crime substantially related to the  
8 qualifications, functions and duties of a registered nurse, as follows:

9 a. On or about December 2, 2008, in a criminal proceeding entitled *The People of the*  
10 *State of California v. Shady Faghih* (Los Angeles Superior Court, 2008, Case No. 8BF06091).  
11 Respondent was convicted by plea of nolo contendere of violating Penal Code Section 459  
12 [burglary], a misdemeanor. Respondent was sentenced to three (3) years of probation, ordered to  
13 pay fines and fees to the Court, perform 15 days of Cal Trans and to stay away from Nordstrom, a  
14 department store.

15 b. The underlying circumstances are that on or around November 28, 2008, Respondent  
16 entered Nordstrom and was observed by security personnel and on closed-circuit television  
17 placing an unlawfully removed sweater in a black handbag and exiting the store. Shortly  
18 thereafter, Respondent returned to Nordstrom and placed an additional item of clothing (a  
19 sweater) in the waistband of her jeans and a shoe care product in a black handbag. Once  
20 Respondent exited the store the second time, she was confronted by security personnel and asked  
21 to discuss the unpaid merchandise. Respondent was uncooperative, resisted slightly and  
22 attempted to escape. Respondent was handcuffed for security purposes. Respondent did not  
23 admit removing other items. When a Los Angeles County Sheriff Deputy searched Respondent's  
24 vehicle, he discovered a woman's sweater, woman's boots and shoes in the trunk, all placed in a  
25 shopping bag. The deputy found no receipts for any of these items, nor was Respondent able to  
26 provide any receipts. The total value of the items stolen and recovered was \$648.00.

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2. Taking such other and further action as deemed necessary and proper.

DATED:

*April 26, 2012*

*Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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14 Respondent.

Case No. *2012-660*

**STATEMENT OF ISSUES**

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about June 15, 2011, the Board of Registered Nursing, Department of  
23 Consumer Affairs received an application for a Registered Nurse License from Shady Faghih  
24 (Respondent). On or about May 15, 2011, Shady Faghih certified under penalty of perjury to the  
25 truthfulness of all statements, answers, and representations in the application. The Board denied  
26 the application on September 22, 2011.

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1 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
2 Section 482.”

3 5. Section 493 of the Code states:

4 “Notwithstanding any other provision of law, in a proceeding conducted by a board within  
5 the department pursuant to law to deny an application for a license or to suspend or revoke a  
6 license or otherwise take disciplinary action against a person who holds a license, upon the  
7 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
9 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
10 and the board may inquire into the circumstances surrounding the commission of the crime in  
11 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
12 qualifications, functions, and duties of the licensee in question.”

13 6. Section 2761 of the Code states:

14 “The board may take disciplinary action against a certified or licensed nurse or deny an  
15 application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the following:

17 ...

18 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
19 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
20 conclusive evidence thereof.”

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22 REGULATORY PROVISIONS

23 7. California Code of Regulations, title 16, section 1444, states:

24 ““ conviction or act shall be considered to be substantially related to the qualifications,  
25 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
26 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
27 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

28 ...

1 (c) Theft, dishonesty, fraud, or deceit.”

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3 FIRST CAUSE FOR DENIAL OF APPLICATION

4 (Conviction of A Substantially Related Crime)

5 8. Respondent's application is subject to denial under sections 480, subdivision (a)(1)  
6 and 2761, subdivision (f) in conjunction with Cal. Code of Regs. title 16, section 1444,  
7 subdivision (c) in that Respondent was convicted of a crime substantially related to the  
8 qualifications, functions and duties of a registered nurse, as follows:

9 a. On or about December 2, 2008, in a criminal proceeding entitled *The People of the*  
10 *State of California v. Shady Faghih* (Los Angeles Superior Court, 2008, Case No. 8BF06091).  
11 Respondent was convicted by plea of nolo contendere of violating Penal Code Section 459  
12 [burglary], a misdemeanor. Respondent was sentenced to three (3) years of probation, ordered to  
13 pay fines and fees to the Court, perform 15 days of Cal Trans and to stay away from Nordstrom, a  
14 department store.

15 b. The underlying circumstances are that on or around November 28, 2008, Respondent  
16 entered Nordstrom and was observed by security personnel and on closed-circuit television  
17 placing an unlawfully removed sweater in a black handbag and exiting the store. Shortly  
18 thereafter, Respondent returned to Nordstrom and placed an additional item of clothing (a  
19 sweater) in the waistband of her jeans and a shoe care product in a black handbag. Once  
20 Respondent exited the store the second time, she was confronted by security personnel and asked  
21 to discuss the unpaid merchandise. Respondent was uncooperative, resisted slightly and  
22 attempted to escape. Respondent was handcuffed for security purposes. Respondent did not  
23 admit removing other items. When a Los Angeles County Sheriff Deputy searched Respondent's  
24 vehicle, he discovered a woman's sweater, woman's boots and shoes in the trunk, all placed in a  
25 shopping bag. The deputy found no receipts for any of these items, nor was Respondent able to  
26 provide any receipts. The total value of the items stolen and recovered was \$648.00.

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2. Taking such other and further action as deemed necessary and proper.

DATED: April 26, 2012 Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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